

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES THOMAS RODGERS,

Plaintiff,

No. CIV S-04-2661 FCD JFM P

vs.

OFFICER HAMPTON,

Defendant.

REVISED SCHEDULING ORDER

Plaintiff is a county jail inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Defendant has filed a request to vacate the dates set in this court's July 28, 2005 revised scheduling order due to the pendency of state criminal proceedings against petitioner,¹ and he requests a stay of this action until thirty days after plaintiff's transfer to the California Department of Corrections and Rehabilitation.² Good cause appearing, defendant's request will be granted in part. This action will be stayed until further order of court. Not later than ten days after sentence is imposed on plaintiff in state court, counsel for defendant shall

¹ Defendant's previous request to modify the first scheduling order filed in this action was granted in the revised scheduling order filed July 28, 2005.

² Defendant represents that plaintiff was convicted in the state criminal proceedings in October 2005 and that sentencing is set for December 16, 2005.

1 notify the court of the sentence imposed. Thereafter, the court will make further orders for the
2 prosecution of this action.

3 On November 29, 2005, plaintiff filed a letter addressed to the Clerk of the Court.
4 The letter contains several questions. Plaintiff is informed that the court cannot give legal
5 advice. Good cause appearing, the Clerk of the Court will be directed to send plaintiff a form
6 civil rights complaint. Should plaintiff seek to file an amended complaint in this action, he must
7 file a motion pursuant to Fed. R. Civ. P. 15 and said motion must be accompanied by a proposed
8 amended complaint.

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. Defendant's November 28, 2005 request for modification of the revised
11 scheduling order is granted;

12 2. All dates set in the July 28, 2005 revised scheduling order are vacated;

13 3. This action is stayed until further order of court;

14 4. Not later than ten days after sentence is imposed on plaintiff in state court,
15 counsel for defendants shall notify the court in writing of the sentence imposed;

16 5. The Clerk of the Court is directed to send plaintiff a form civil rights complaint
17 and accompanying instructions; and

18 6. The Clerk of the Court is directed to administratively close this action until
19 further order of court.

20 DATED: December 21, 2005.

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23 UNITED STATES MAGISTRATE JUDGE